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10 Attorneys for Plaintiffs

11 **UNITED STATES DISTRICT COURT**

12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

13 F. G. CROSTHWAITE, et al., as Trustees of
 14 the OPERATING ENGINEERS' HEALTH
 15 AND WELFARE TRUST FUND FOR
 16 NORTHERN CALIFORNIA, et al.

Case No.: C12-5088 WHO

**JUDGMENT PURSUANT TO
STIPULATION**

17 Plaintiffs,
 18 v.

19 DJK CONSTRUCTION, INC., a California
 20 corporation,

21 Defendant.

22 IT IS HEREBY STIPULATED by and between the parties hereto, that Judgment may be
 23 entered in the within action in favor of the Plaintiffs F.G. CROSTHWAITE, et al. (collectively
 24 "Plaintiffs" or "Trust Funds") and against Defendant DJK CONSTRUCTION, INC., a California
 25 corporation ("Defendant"), as follows:

26 1. Defendant entered into a valid Collective Bargaining Agreement with
 27 the Operating Engineers Local Union No. 3 of the International Union of Operating Engineers,
 28 AFL-CIO (hereinafter "Bargaining Agreement"). This Bargaining Agreement has continued in full
 force and effect to the present time.

2. Defendant has become indebted to the Plaintiffs as follows:

2/12-4/12 Contributions	\$8,933.82	
10% Interest on 5/11, 12/11-4/12	\$961.44	
<i>Subtotal:</i>		\$9,895.26
Attorneys' Fees (through 8/11/13)		\$5,107.00
Costs of Suit (through 8/11/13)		\$661.00
<i>TOTAL</i>		\$15,663.26

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2 3. DALTON EUGENE DE ORNELLAS acknowledges that he is the CEO/President of
3 Defendant DJK CONSTRUCTION, INC., a California corporation, and is authorized to enter this
4 Stipulation.

5 4. This Stipulation is limited to the agreement between the parties with respect to the
6 specified delinquent contributions and related sums enumerated herein, owed by Defendant to the
7 Plaintiffs, and does not in any manner relate to withdrawal liability claims, if any.

8 5. Should any provision of this Stipulation be declared or determined by any court of
9 competent jurisdiction to be illegal, invalid, or unenforceable, the legality, validity, and
10 enforceability of the remaining parts, terms or provisions shall not be affected thereby and said
11 illegal, unenforceable or invalid part, term, or provision shall be deemed not to be part of this
12 Stipulation.

13 6. This Stipulation contains all of the terms agreed by the parties and no other
14 agreements have been made. Any changes to this Stipulation shall be effective only if made in
15 writing and signed by all parties hereto.

16 7. This Stipulation may be executed in any number of counterparts and by facsimile,
17 each of which shall be deemed an original and all of which shall constitute the same instrument.

18 8. The Parties herein stipulate that Judgment shall be and is hereby entered in favor of
19 Plaintiffs and against Defendant in the amount of **\$15,663.26**.

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3 9. All parties represent and warrant that they have consulted with counsel of their own
4 choosing in connection with entering this Stipulation under the terms and conditions set forth
5 herein, and that they enter into this Stipulation voluntarily.

6 Dated: October 29, 2013

**DJK CONSTRUCTION, INC., a California
corporation**

7 By: _____/S/

8 Dalton Eugene DeOrnellas,
9 its RMO/CEO/President

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12 Dated: October 30, 2013

**SALTZMAN & JOHNSON
LAW CORPORATION**

13 By: _____/S/

14 Muriel B. Kaplan, Esq.
15 Attorneys for Plaintiffs

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17 **APPROVED AS TO FORM.**

Dated: October 29, 2013

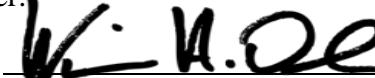
18 By: _____/S/

19 Rodney Mariani, Esq. (SBN 69918)
20 Attorney for DJK Construction, Inc.

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22 **IT IS SO ORDERED. IT IS FURTHER ORDERED** that the calendar in this matter is vacated, and
23 that the Court shall retain jurisdiction over this matter.

24 Dated: November 1, 2013


UNITED STATES DISTRICT JUDGE

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**JUDGMENT PURSUANT TO STIPULATION
Case No.: C12-5088 WHO**